

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA

- v. -

CRISTIAN HALCHIAS,

Defendant.

- - - - - x

:

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT

: 20 Cr. 128 (LTS)

:

WHEREAS, on or about February 12, 2020, CRISTIAN HALCHIAS (the "defendant"), was charged in an Information, 20 Cr. 128 (JMF) (the "Information"), with conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(2) (Count One), and conspiracy to commit wire fraud and bank fraud, in violation of Title 18, United States Code, Section 1349 (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), of any and all property constituting or derived from proceeds obtained directly or indirectly, as a result of the commission of the offense charged in Count One of the Information, and any and all personal property used or intended to be used to commit the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds

traceable to the commission of the offense charged in Count One of the Information that the defendant personally obtained;

WHEREAS, the Information included a forfeiture allegation as to Count Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 981(a)(2)(A), of any and all property constituting or derived from proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count Two of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count Two of the Information that the defendant personally obtained;

WHEREAS, on or about February 12, 2020, the defendant pled guilty to Counts One and Two of the Information, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Counts One and Two of the Information and agreed to forfeit, pursuant to Title 18, United States Code, Sections 981(a)(2)(A), 982(a)(2)(B), and 1029(c)(1)(C), a sum of money equal to \$7,869.19 in United States currency, representing the amount of proceeds traceable to the commission of the offenses that the defendant personally obtained;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$7,869.19 in United States currency

representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Information that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, Elizabeth Hanft of counsel, and the defendant, and his counsel, John Calcagni, III, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the defendant pled guilty, a money judgment in the amount of \$7,869.19 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Information that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, CRISTIAN

HALCHIAS, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions,

interrogatories, requests for production of documents and the issuance of subpoenas.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York


By: 
ELIZABETH HANFT
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2334

2/12/20
DATE

CRISTIAN HALCHIAS

By: 
CRISTIAN HALCHIAS

2/12/20
DATE

By: 
JOHN CALCAGNI III, ESQ.
Attorney for Defendant
Law Office of John H. Calcagni, III
One Custom House Street, Suite 300
Providence, RI 02903

2/12/20
DATE

SO ORDERED:

/s/ Laura Taylor Swain
~~HONORABLE JESSE M. TURMAN~~
UNITED STATES DISTRICT JUDGE

6/29/2020
DATE

Honorable Laura Taylor Swain